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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,977	02/26/2004	Ichiro Amamori	D-1573	2686

7590 04/27/2006

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EXAMINER

SLITERIS, JOSELYNN Y

ART UNIT PAPER NUMBER

3616

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/785,977	AMAMORI, ICHIRO	
	Examiner	Art Unit	
	Joselynn Y. Sliteris	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02262004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of species II, an airbag device and a shape-maintaining component according to Figs. 14(a) and 14(b) in the reply filed on 4/4/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. However, no claim is being withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/4/06.

Specification

3. The disclosure is objected to because of the following informalities: on page 15 line 4, "80A" should be --80a--. Appropriate correction is required.

Claim Objections

4. Claims 4 and 8 are objected to because of the following informalities: in line 3 of both claims 4 and 8, "tore" should be --torn--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. In claim 3 line 3, "the front side" lacks proper antecedent basis in the claim.

8. In claim 3 lines 1-3, "said front portion of the airbag around the connecting portion extends from the front side toward a periphery of the insertion port" is unclear. Does the applicant mean "the first connecting portion" or "the second connecting portion"? It appears to the examiner that it should read --the second connecting portion". Therefore, claim 3 is rendered indefinite.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. (U.S. Patent 6,206,409).

Regarding claims 1, 2, and 4, Kato discloses an airbag device as in the present invention comprising:

an airbag 1 having a front portion facing the occupant and a rear portion opposite to the front portion when the airbag is inflated,

an inflator 8 attached to the rear portion of the airbag,

a retained 5 attached to the airbag 1 and the inflator 8 and having an insertion port, and

a shape-maintaining component 307 having a first connecting portion connected to the front portion of the airbag and a second connecting portion attached to a lower part of the retainer 5 for covering the airbag in a folded state so that the one end of the inflator 8 is placed in the insertion port behind the first connecting portion (Figs. 16A-17 --- see attached annotations),

wherein said first connecting portion of the shape-maintaining component is located above the insertion port,

wherein said shape-maintaining component 307 includes a tearing portion 33 around the first connecting portion, said tearing portion being torn when the airbag is inflated.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (U.S. Patent 6,206,409).

Regarding claims 5, Kato discloses the shape-maintaining component including a main part having the first connecting portion, and the second connecting portion formed

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of a flap extending outwardly from the main part and connected to the lower part of the retainer 5 (Figs. 16A-17). But Kato does not disclose the second connecting portion being formed of a plurality of flaps. However, a plurality of flaps represents a change in number, not in kind and as such, would have been obvious to one of ordinary skill in the art at the time the invention was made form the second connecting portion of Kato with the plurality of flaps so as to improve attachment of the shape-maintaining component to the retainer.

13. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung et al. (U.S. Patent 5,636,862) in view of Igawa et al. (U.S. Patent 6,517,099).

Regarding claims 1 and 2, Cheung discloses an airbag device as in the present invention comprising:

- an airbag 144 having a front portion 150, 146, 154 facing the occupant and a rear portion opposite to the front portion when the airbag is inflated (Figs. 5-7),

- an inflator 142 attached to the area portion of the airbag 144,

- a retainer 143 attached to the airbag and the inflator,

- a shape-maintaining component 170 having a first connecting portion 172 connected to the front portion of the airbag and a second connecting portion 174 attached to a lower part of the retainer for covering the airbag in a folded state so that one end of the inflator is placed behind the first connecting portion.

But Cheung does not specifically disclose the retainer having an insertion port for inserting one end of the inflator. Igawa discloses that it is known in the art to provide a retainer 102 having an insertion port for inserting one end of the inflator 108 (Fig. 7). It

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would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the retainer of Cheung with the insertion port of Igawa, in order to facilitate assembly and installation of the airbag assembly. This also results in the first connecting portion of the shape-maintaining component being located above the insertion port.

Allowable Subject Matter

14. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if rewritten to overcome the claim objection set forth in this Office action, as applicable

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 571-272-6675. The examiner can normally be reached on Mon, Thurs & Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joselynn Y. Sliteris 4/24/06
Patent Examiner
Art Unit 3616

JYS
4/24/06



PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

FIG. 16A

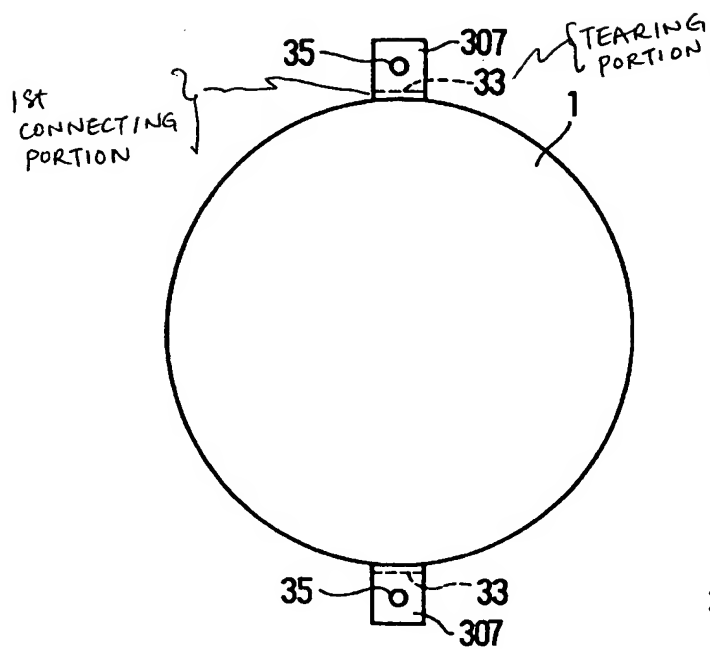


FIG. 16B

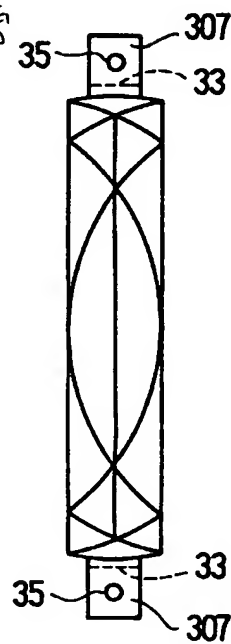


FIG. 16C

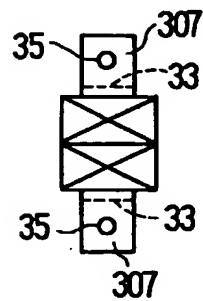


FIG. 17

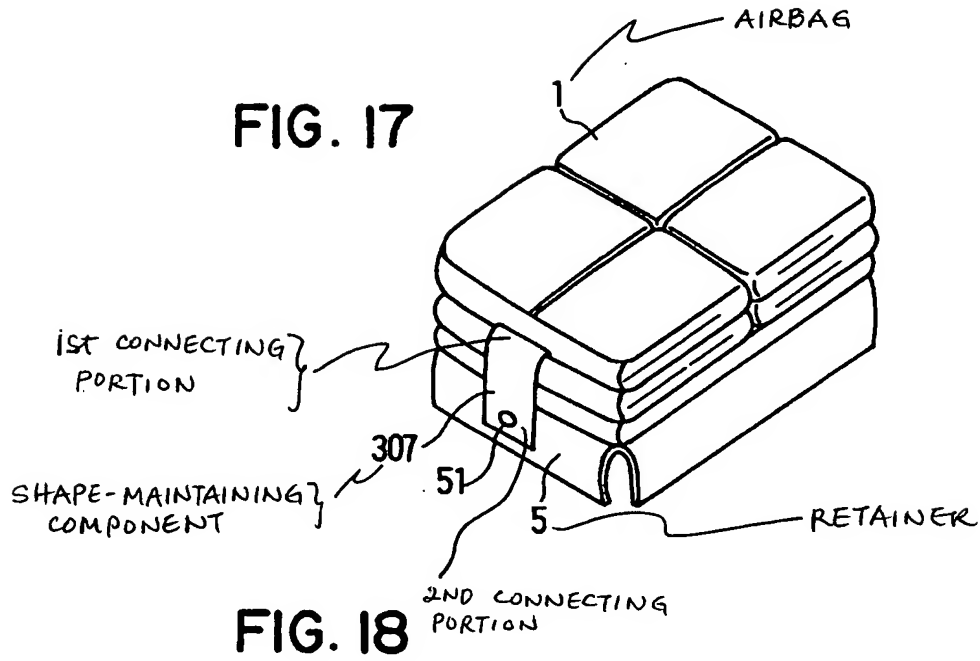


FIG. 18

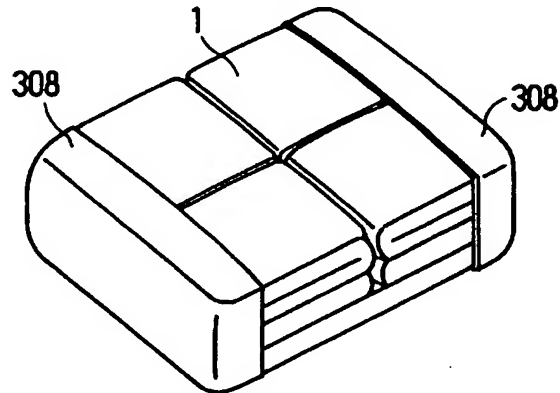


FIG. 19

